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EXAMINER

GILLIS, BRIAN J

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/033,407	Applicant(s) GAXIOLA ET AL.	
	Examiner Brian J. Gillis	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05032006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175).

Claims 1 and 10 disclose a computerized method and machine-readable medium comprising: detecting, by a custom settings manager, a coupling of a consumer device to a home network; remotely identifying a presumed user corresponding to an implied owner of the consumer device; provisioning a user service available in the home network according to user preferences associated with the identified presumed user; and configuring a shared home network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network. Norris teaches of a snooper module that observes transactions occurring on the network and teaches that network parameters are configured from the user (column 5, lines 52-55, column 11, lines 10-13). It fails to teach of remotely identifying a user corresponding to the device, provisioning a user service available in the home network according to user preferences associated with the identified presumed user, and configuring a shared home network

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access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Norris and Ricart et al are analogous art because they are both related to computer and network configuring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Norris because personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Norris in view of Ricart et al teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of provisioning a user service available in the home network according to user preferences associated with the identified presumed user and configuring a shared home network access device according to the user preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Norris in view of Ricart et al and Narayanaswami are analogous art because they are both related to computer and network configuring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Norris in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 2 and 11 disclose the method and machine-readable medium of claims 1 and 10 wherein the consumer device includes the user service. Ricart et al further teaches of a device, which includes services (paragraph 43, lines 1-5).

Claims 4 and 13 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the user by user usage patterns. Norris further teaches that a snooper module determines the network parameters by observing traffic on the network (column 4, lines 37-40).

Claims 5 and 14 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying is determined by examining other devices and services on the network. Norris further teaches that a snooper module records the transactions received from the network and can determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16).

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 1 and 10 above, and further in view of Dharmadhikari et al (US PG PUB US2003/0065816).

Claims 6 and 15 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the corresponding user to be a user who has most recently used the device. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of identifying the user as being the most recent user of the device. Dharmadhikari et al teaches of a link monitor, which monitors changes in the link status of the device (paragraph 24, lines 1-10).

Norris in view of Ricart et al in view of Narayanaswami and Dharmadhikari et al are analogous art because they are both related to network configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the link monitor in Dharmadhikari et al with the method of Norris in view of Ricart et al in view of Narayanaswami because this allows for the automatic determination of a network device (paragraph 10, lines 1-3).

Claims 7- 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 1 and 10 above, and further in view of Reed (US Patent #6,754,504).

Claims 7 and 16 disclose the method and machine-readable medium as set forth in claims 1 and 10, further comprising unloading another service according to the user preferences. Norris in view of Ricart et al teaches of the limitations of claims 1 and 10 as recited above and a method of provisioning user preferences as shown above. It fails to teach of unloading another service according to the user preferences. Reed

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teaches of a service being unloaded according to the user preferences (column 6, lines 35-40).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are related to user customization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the service unloading feature in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

Claims 8 and 17 disclose the method and machine-readable medium as set forth in claims 1 and 10, further comprising loading the service according to the user preferences of the identified user. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of loading a service according to the user's preferences. Reed teaches of a service being loaded according to the preferences of the identified user (column 4, lines 3-14).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are both related to user customization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the service loading according to user preferences in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

Claims 9 and 18 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises querying a data store, which associates a set of consumer devices and identities of users of the set of consumer devices. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of identifying by querying a data store, which associates a set of devices and identities of users of the set of devices. Reed teaches of a user database used to maintain information of the users of the network (column 7, lines 5-11).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are both related to user configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the user database in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because the user preferences in the database allow the controlling of settings on the device, which the user is related to (column 6, lines 13-17).

Claims 19, 20, 23-26, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175).

Claim 19 discloses a system comprising: a consumer device; a shared home network access device coupled to the consumer device; a user profile comprising user preferences of a presumed user associated with an implied owner of the device; and a



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custom setting manager that, in response to the device being coupled to a home network remotely identifies the user of the device, accesses the user profile, provisions a user service available in the home network, and configures the shared home network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and another device coupled to the network. Dharmadhikari et al teaches of systems and methods executed on any hardware which supports network interfaces, user interface elements are used to communicate the user's preferences, and a policy manager which receives the user's preferences and then configures the device according to the user's preferences, (paragraph 19, lines 3-5, paragraph 22, lines 11-15, paragraph 25, lines 1-4, paragraph 27, lines 1-4). It fails to teach of identifying the user remotely, provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Dharmadhikari et al in view of Ricart et al are analogous art because they are related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Dharmadhikari et al because the personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Dharmadhikari et al in view of Ricart et al teaches of the limitations of claim 19 as recited above. It fails to teach of provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Dharmadhikari et al in view of Ricart et al and Naryanaswami are analogous art because they are related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Dharmadhikari et al in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 20 discloses the system of claim 19 wherein the user is associated to the consumer device by user usage patterns. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above.

Dharmadhikari et al further teaches the user preferences are received by associating the user to the use of network interfaces coupled to a computer (paragraph 43, lines 3-11).

Claim 23 discloses the system of claim 19, wherein the user profile further comprises: an association between the user and the consumer device. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above. Dharmadhikari et al further teaches the user preferences contain information that comprises an association between the user and the device (paragraph 43, lines 3-10).

Claim 24 discloses the system of claim 19, further comprising: a user manager to detect when the consumer device is coupled. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above. Dharmadhikari et al further teaches a link monitor, which receives link status information for the network interfaces, connected (paragraph 24, lines 1-2).

Claim 25 discloses a system comprising: a home network; a shared home network access device coupled to the home network; a plurality of consumer devices selectively coupled through the home network; and a custom settings manager configured to remotely identify a presumed user corresponding to an implied owner of the devices, to access user preferences associated with the user, to provision a user service available in the home network, and to selectively configure the shared home network access device based upon the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network. Dharmadhikari et al teaches that wired or wireless devices are connected to network access points, a plurality of network devices are connected to a network, and a policy manger which configures the device according to the user's preferences

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(paragraph 19, lines 3-5, 8-12, paragraph 20, lines 1-3, paragraph 25, lines 1-4, paragraph 27, lines 1-4). It fails to teach of remotely identifying the user of the devices, provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Dharmadhikari et al in view of Ricart et al are analogous art because they are both related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Dharmadhikari et al because the personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Dharmadhikari et al in view of Ricart et al teaches of the limitations of claim 25 as recited above. It fails to teach of provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Dharmadhikari et al in view of Ricart et al and Narayanaswami are analogous art because they are both related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Dharmadhikari et al in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 26 discloses the system of claim 25 wherein the identifying comprises identifying the user from the user usage patterns. Dharmadhikari et al further teaches the user preferences are received by identifying the user to the user of the network interfaces coupled to a computer (paragraph 43, lines 3-11).

Claim 29 discloses the system of claim 25 further comprising: a user manager that detects a coupling of a consumer device to the network. Dharmadhikari et al further teaches a link monitor receives link status information for the network interfaces connected (paragraph 24, lines 1-2).

Claim 30 discloses the system of claim 25, wherein the identification is accomplished by querying a preferences database. Dharmadhikari et al further teaches a policy manager receives input to receive the user's preferences from the user interface (paragraph 25, lines 1-4).

Claim 31 discloses the system of claim 25, wherein the accessing and configuring are performed by a preference agent. Dharmadhikari et al further teaches a

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policy manager which accesses the user's preferences and configures according to the user's preferences (paragraph 27, lines 1-4, 9-12).

Claim 32 discloses the system of claim 25 where the plurality of consumer devices includes a service, the service to be identified in the user preferences. Dharmadhikari et al further teaches a policy manager configures services on the computer according to the user's preferences (paragraph 27, lines 5-12).

Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 19 and 25 above, and further in view of Norris (US Patent #5,557,748).

Claims 21 and 27 disclose the system of claims 19 and 25 wherein the user is associated to the consumer device by examining the other devices and services on the network. Dharmadhikari in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 19 and 25 as recited above. It fails to teach of associating the user to the device by examining other devices or services on the network. Norris teaches of a snooper module, which records the transactions, received from the network and can determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16).

Dharmadhikari et al in view of Ricart et al in view of Narayanaswami and Norris are analogous art because they are related to network configuration.

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the snooper module in Norris with the system in Dharmadhikari et al in view of Ricart et al in view of Narayanaswami because this allows a computer to be dynamically configured instead of statically preventing network malfunctions (column 1, lines 55-65).

Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Ricart (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 19 and 25 above, and further in view of Bunney (US Patent #6,487,584).

Claims 22 and 28 disclose the system of claims 19 and 25 wherein the user is associated to the last user of the consumer device. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 19 and 25 as recited above. It fails to teach of associating the user to the last user of the device. Bunney teaches of a session and profile manager, which maintains member session data and maintains a users identity while performing any number of operations (column 4, lines 35-42, 48-53).

Dharmadhikari et al in view of Ricart et al in view of Narayanaswami and Bunney are analogous art because they are related to user account personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the session and profile manager in Bunney with the system in Dharmadhikari et al in view of Ricart et al in view of Narayanaswami because the server

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can associate a plurality of different addresses with the user profile and able to provide the profile with personalized data (column 2, lines 29-31, column 3, lines 26-28).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 10, 19, and 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis  
Examiner  
Art Unit 2141

BJG

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER